THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.7308 OF 2005

Dt:21.09.2005

Between:

The Executive Engineer

Panchayat Raj, R.W.S.,

Chittoor, Chittoor District and others … PETITIONERS

AND

B.Narasimha Raju, S/o.B.Anjanappa

Occ: Mechanic Grade-I

Panchayat Raj, R.W.S.

O/o.Dy.Executive Engineer

Central Stores & Investigation (C.S&I)

Sub-Division, Chittoor, Chittoor District … RESPONDENT

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.7308 OF 2005

ORDER: ***(per the Hon'ble Smt. Justice T.Meena Kumari)***

This Writ Petition is filed by the petitioner-Department to quash the Order dated

25.11.2003 in O.A.No.7689 of 1999 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

The petitioners herein are the respondents and the respondent herein is the applicant in the above said O.A.

The above said O.A was filed by the respondent-applicant to declare the action of the petitioner-Department in not paying salary to him for the period from 17.07.1987 to 11.05.1999 pursuant to his representation dated 15.07.1999 as illegal and arbitrary and consequently to direct the petitioner-Department to dispose of the said representation.

The Tribunal after hearing both the learned counsel and after going through the material on record, allowed the O.A. holding that the period from 17.07.1987 to 11.05.1999 is to be treated as on duty and directed the petitioner-Department to issue necessary orders regulating the period of absence of the respondent-applicant from 17.07.1987 to 11.05.1999 as on duty and further directed to extend the benefit of Revised Pay Scales 1986 and subsequent Revised Pay Scales to him and to issue orders accordingly re-fixing his pay.

Learned Government Pleader appearing on behalf of the petitioner-Department has argued that the relief granted by the Tribunal is beyond the scope of the O.A. since the O.A was filed by the respondent-applicant to declare the action of the petitioner-Department in not paying salary to him for the period from 17.07.1987 to 11.05.1999 pursuant to his representation dated 15.07.1999 as illegal and arbitrary and consequently to direct the petitioner-Department to dispose of the said representation. It is also further argued that during the pendency of the present O.A., the representation filed by the respondent-applicant was disposed of by the Executive Engineer, Panchayat Raj, RWS, Chittoor on 29.03.2000 rejecting his claim and the same is the subject matter of O.A.No.6692 of 2000 and hence, the present O.A. has become infructuous.

We see some force in the arguments advanced by the learned Government Pleader that the relief granted by the Tribunal is beyond the scope of the O.A., and that since the representation of the respondent-applicant dated 15.07.1999 was disposed of on 29.03.2000 i.e during the pendency of the present O.A., the present O.A has become infructuous.

At this stage, learned counsel for both the parties prays to set aside the Order passed by the Tribunal and to remand the matter back to the Tribunal.

Under the above circumstances, we set aside the Order of the Tribunal and remit the matter to the Tribunal for fresh disposal along with O.A.No.6692 of 2000 within a period of three months from the date of receipt of a copy of the Order.

With the above observation, the Writ Appeal is allowed.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt:21.09.2005

bsv/lvl